

Applicant : Besselink et al.
App. No : 10/782,266
Filed : February 18, 2004
For : EXPANDABLE DEVICE HAVING
BISTABLE SPRING CONSTRUCTION
Examiner : Sonnett, Kathleen C.
Art Unit : 3731
Conf No. : 4210

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

These comments are directed to the Statements of Reasons for Allowance in the Notice of Allowability mailed on March 12, 2010 and in the Supplemental Notice of Allowability mailed on April 6, 2010 (collectively referred to hereinafter as the "Statements of Reasons for Allowance," or "Statements").

Applicant respectfully disagrees with the Examiner's Statements of Reasons for Allowance to the extent that the Statements imply that the patentability of the claims rests solely on the recitation of a single feature, because it is not only a singular feature but also the combination of features that makes this claim and other claims patentable.

For example, Claim 91 recites a method of applying a radial force against a surface of a passageway with an expandable device, comprising:

providing an expandable device with a plurality of cells comprising a generally longitudinal wave-like first member and a generally longitudinal wave-like second member, at least one cell capable of being expanded between a stable contracted state in which the first and second members are generally in phase and at least one stable expanded state in which the first and second members are generally out of phase;

radially expanding the expandable device to expand the plurality of cells to a transition point defining a geometry of the plurality of cells at which no additional force is necessary to further expand the plurality of cells; and

permitting the plurality of cells to continue to expand beyond the transition point to the at least one expanded state without the application of additional force so that the expandable device expands against a surface of the passageway;

wherein;

one of the first and second members substantially retains its shape when the cell transitions from the contracted to the at least one expanded shape.

Accordingly, Applicant submits that Claim 91 is also allowable because, inter alia, the prior art does not teach or suggest the combination of features as recited by this claim. Likewise, the other claims of the present application are also allowable because they each recite a combination of features that are not taught or suggested by US 5,776,183 ("Kanesaka") or US 5,895,406 ("Grey"), or other prior art

Further, Applicant respectfully disagrees with the Examiner's Statement of Reasons for Allowance to the extent that the Statement implies that all of the claims include the elements "radially expanding the stent to a transition point defining a geometry of the cells at which no additional force is necessary to further expand the plurality of cells" and "permitting the plurality of cells to continue to expand beyond the transition point to the at least one expanded state without the application of additional force."

For example, Claim 122 recites, inter alia, "expanding the one or more cells from a stable collapsed configuration in which the first and second wave-like portions are in phase to a transition point defining a geometry of the one or more cells at which no additional force is necessary to further expand the one or more cells" and "permitting the one or more cells to continue to expand beyond the transition point to a stable expanded configuration without the application of additional force, in which the first and second wave-like portions are out of phase, wherein there are no stable configurations between the stable collapsed configuration and the stable expanded configuration."

Applicant also does not agree with the Examiner's assertions concerning what the prior art discloses or teaches. For example, Applicant does not concede that Kanesaka and Gray disclose "a method of applying a radial force against a blood vessel with a stent comprising cells having wavelike first and second members wherein the first members are in phase when a first contracted state and out of phase in a second contracted state."

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Respectfully submitted,
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